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WAYNE P BAILEY  
STORAGE TECHNOLOGY CORPORATION  
ONE STORAGE TEK DRIVE MS 4309  
LOUISVILLE, CO 800284309

EXAMINER

WERNER, FRANK E

ART UNIT

PAPER NUMBER

3652

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Paper No. 12

Application Number: 09/451,574  
Filing Date: November 30, 1999  
Appellant(s): APPLE ET AL.

**MAILED**

NOV 04 2002

For Appellant

**GROUP 3600**

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed Aug. 27, 2002.

**(1) Real Party in Interest**

A statement identifying the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) Status of Claims**

The statement of the status of the claims contained in the brief is correct. Note that the amendment of filed with the Appellant's Brief canceling claim 4 has been entered.

This appeal involves claims 1-3, 5-7 and 22.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Invention**

The summary of invention contained in the brief is correct.

**(6) Issues**

The appellant's statement of the issues in the brief is correct.

**(7) Grouping of Claims**

Appellant's brief includes a statement that claims <sup>1-7 & 22</sup> ~~22~~ do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

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**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,456,569	Cheatham et al	10-1995
4, 098,088	Mason	7-1978
3,503,293	Sander	3-1970
406040505	Saito (Japan)	2-1994

**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 and 5-7 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re base claims 1 and 22, no library (cell) structure (shelves, wall, etc.) has been set forth; moreover, no motive means to move the arms, hands, etc., (claim 1) or robot (claim 22) has been set forth; also re claim 22, no means has been set forth to mount the robot units and re base claims 1 and 22, it is not understood what function occurs during the manipulation of the storage units.

Claims 1-7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheatham et al (,569 – cited by Applicants) in view of Sander (,239) or Mason (,088).

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Cheatham et al disclose in at least Figure 1, an unnumbered center column (floor mounted) along axis 30, opposed first and second arms 28 rotatable along the column, raisable/lowerable hands 12a and 12b, etc. mounted on the arms and cellular library 44, etc., but do not disclose independently movable hands and arms which is disclosed by Sander (28, 30, etc.) or Mason (18, 20, 36, 101, etc.) and in view of the same, it would have been obvious to have substituted separate rotatable arm mountings to increase the flexibility of the apparatus as taught by either secondary reference. Re claim 2, it would have been obvious to have substituted conventional equivalent ceiling mountings of the first column, if desired, as this would have been known warehouse mountings of manipulators. Re claim 3, Mason (18, 19, 36, 37, etc.) teaches and renders obvious the utilization of longitudinally movable hands along the arms. Re claim 5, Sander (46, 22, etc.) teaches the obvious desirability of mounting a column within a column, if desired.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese Patent (,505).

The Japanese Patent discloses independently movable robots 31A and 31B accessing storage units 10 in cells 2, etc. It would have been obvious to have substituted the conventional handling of equivalent storage units, such as data storage units, if desired.

**(11) Response to Argument**

At the outset, the Examiner's comments in the Final Rejection are incorporated herein.

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Re Appellants' "Argument" on page 4 concerning the 35 USC 112(2) rejection, attention should be directed to the comments in the Final Rejection.

Re Appellants' "Argument" concerning the reference combination, the same are not well-taken since the base reference to Cheatham et al teaches the general<sup>overall</sup> claimed invention and when modified by the axially mounted and independently movable arms (with hands) of Mason or Sander, would appear to teach the specific claimed invention. Again attention should be directed to the Examiner's comments in the Final Rejection. Re the "Argument" on pages 7 and 8, concerning the Japanese Patent, it is not seen in the claims where the robotic arms or cells requires adjacency, where the same require assistance from each other or for the service of the same storage cells (page 8 of the "Argument.") For the remaining "Argument", attention again to be directed to the comments in the Final Rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McClintock et al (6,102,164) disclose co-axially mounted, independently movable robot arms.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

FEW

October 21, 2002

Conferees: TJB JLK FEN  
Carstens, Yee & Cahoon, LLP  
PO Box 802334  
Dallas, TX 75380

*Frederic. Venn*  
10/02  
3652

WAYNE P BAILEY  
STORAGE TECHNOLOGY CORPORATION  
ONE STORAGE TEK DRIVE MS 4309  
LOUISVILLE, CO 80028-4309

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